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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Jeffrey King,

Defendant.

Case No: CR-24-01040-PHX-ROS

**DEFENDANT'S RESPONSE TO UNITED  
STATES' MOTION FOR DETENTION**

Jeffrey King, by and through undersigned counsel, hereby files this Response to United States' Motion for Detention and asks this Court to release Mr. King pursuant to the terms of the Bail Reform Act codified in 18 U.S.C. § 3142. Mr. King is neither a flight risk nor danger to the community and should be released on his own recognizance. At a minimum, there are conditions or a combination of conditions that would assure Mr. King's appearance before this Court for all future dates.

This Response and request for release is supported by the attached Memorandum of Points and Authorities.

///

**KURT M. ALTMAN, P.L.C.**  
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1 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of July 2024.

2 **KURT M. ALTMAN, P.L.C.**

3 /s/ Kurt M. Altman

4 Kurt M. Altman

Ashley Fitzwilliams

Attorneys for Defendant

6  
7 I hereby certify that on the 1<sup>st</sup> day of July 2024,  
8 I electronically transmitted the attached  
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12 Honorable Deborah M. Fine  
13 United States Magistrate Judge  
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19 By: /s/ Kurt M. Altman

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. PROCEDURAL BACKGROUND:**

On June 17, 2024, Mr. King (and his co-defendant, Ms. Alexandra Gehrke) were arrested by law enforcement. The arrest was based on a federal criminal complaint that included one count of conspiracy to commit health care fraud and wire fraud. On June 18, 2024, both Mr. King and Ms. Gehrke were indicted for conspiracy to commit health care fraud and wire fraud (18 U.S.C. § 1349), health care fraud (18 U.S.C. §§ 1347 and 2), conspiracy to defraud the United States and to pay and receive kickbacks (18 U.S.C. § 371), solicitation and receipt of kickbacks (42 U.S.C. §§ 1320a-7b(b) and 18 U.S.C. § 2), and transactional money laundering (18 U.S.C. §§ 1957 and 2).

Mr. King had an initial appearance on June 20, 2024, before United States Magistrate Judge John Z. Boyle, and he set a Detention Hearing for June 25, 2024. On June 24, 2024, at approximately 3:00 p.m., the United States filed a Motion for Detention. On June 25, 2024, during the scheduled Detention Hearing in Mr. King's matter, before United States Magistrate Judge Eileen S. Willett, undersigned counsel requested that the hearing be reset so that Mr. King had an opportunity to respond to the Government's Motion. Judge Willett reset the Detention Hearing for July 2, 2024.

**II. HISTORY AND CHARACTERISTICS OF MR. KING:**

With a few small exceptions as a child and while serving in the United States Army, Mr. King is essentially a life-long resident of Arizona, specifically Phoenix. Prior to his current marriage, Mr. King was married for fourteen years and fathered two children. He has a son who is about to begin high school and a daughter who is 23 years old—they are his world, and he is very close with both. Both his children and his former wife are residents of Phoenix, Arizona.

Throughout most of his life, Mr. King has worked in the music business. Over the years, he has turned down opportunities to leave Arizona and relocate to Los Angeles, California where his

1 music industry career could truly thrive. However, those opportunities came at the cost of leaving  
2 his children, a cost he was unwilling to pay. Mr. King decided to start a recording studio—the  
3 Scottsdale Music Company (SMC) (<https://www.scottsdalemusiccompany.com/>). This gave him  
4 the best of both worlds—to work in the industry he loved and to remain in his hometown to raise  
5 his kids. The SMC business and community has grown over the last decade, albeit with some  
6 setbacks related to the COVID-19 pandemic.

8 As stated above, some of the time Mr. King spent away from Arizona was spent serving his  
9 country in the United States Army. As a result of his service, Mr. King has disabilities including  
10 two compressed vertebrae and chronic ankle issue that continue to affect his daily activities.

11 **III. LAW:**

12 In determining whether to detain or release a defendant, the court must consider: “(1) the  
13 nature and seriousness of the offense charged; (2) the weight of the evidence against the defendant;  
14 (3) the defendant’s character, physical and mental condition, family and community ties, past  
15 conduct, history relating to drug or alcohol abuse, and criminal history; and (4) the nature and  
16 seriousness of the danger to any person or the community that would be posed by the defendant’s  
17 release.” 18 U.S.C. § 3142(g), *United States v. Cardenas*, 784 F.2d 937, 938-939 (9<sup>th</sup> Circ. 1986). A  
18 judicial officer “*shall* order the pretrial release of the person on personal recognizance . . . unless the  
19 judicial officer determines that such release will not reasonably assure the appearance of the person as  
20 required or will endanger the safety of any other person or the community.” 18 U.S.C. § 3142(b). If  
21 the court finds personal recognizance will not assure the defendant’s appearance or protect the  
22 community from danger, the “judicial officer shall order the pretrial release of the person . . . subject  
23 to the *least restrictive* further condition, or combination of conditions” the court determines “will  
24 reasonably assure the appearance of the person as required and the safety of . . . the community.” 18  
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1 U.S.C. § 3142(c)(1)(B). The Bail Reform Act does not modify or limit the presumption of innocence.  
2 18 U.S.C. § 3142(j). The government bears the burden of establishing by “a preponderance of the  
3 evidence that the defendant poses a flight risk” or, “by clear and convincing evidence, that [he] poses  
4 a danger to the community.” *United States v. Aitken*, 898 F.2d 104, 107 (9<sup>th</sup> Cir. 1990).

5  
6 Finally, and maybe most importantly in the present matter, it is well established that “the  
7 weight of the evidence is the *least* important of these factors” to be considered by the judicial officer.  
8 *Cardenas*, 784 F.2d at 939. “Section 3142 neither requires nor permits a pretrial determination that  
9 the person is guilty.” *United States v. Winsor*, 785 F.2d 755, 757 (9<sup>th</sup> Cir. 1986).

10 **IV. ARGUMENT:**

11 Mr. King should be released as he poses no risk of nonappearance for court proceedings and  
12 no danger to the community. In their Motion for Detention, the government has essentially asked this  
13 Court for “a pretrial determination that the person [Mr. King] is guilty.” In making that ask, they  
14 relied exclusively on what they believe to be the facts of this case and leaned heavily on their  
15 interpretation of those “facts.” Although this Court can and should consider the allegations, at this  
16 stage of the case (detention), the focus must be on the reasonable assurances that Mr. King will not  
17 flee and will appear for his court dates.  
18

19 There is no doubt that the offenses charged in the indictment are serious. Yet, in an  
20 exaggerated attempt to bolster the weight of the evidence, the government repeatedly lumped Mr.  
21 King and his co-defendant together when convenient and spun the evidence and events described to a  
22 light most favorable for the government’s purposes. For instance, the government claimed both  
23 “GEHRKE and KING Knew Criminal Charges were Imminent and Were Prepared to Flee Once  
24 Charged.” Govt’s Motion at 7 (heading B). They claim that is evidenced by a note left by Gehrke to  
25 her housekeeper. *Id.* Even if true, Mr. King did not write the note and the note is not otherwise  
26  
27

1 linked to Mr. King in anyway. Yet, the government asks that their interpretation of the note be taken  
2 as (1) fact and as (2) fact used against both Gehrke AND King.

3         Additionally, the government asks this Court to attribute to both co-defendants a book  
4 allegedly found in the couple's shared residence as evidence of both being a "serious flight risk." *Id.*  
5 at 9. The government claims both co-defendants "owned" the book without providing the Court any  
6 evidence of where the book was found, who purchased it, or what other items were found in its  
7 proximity. Although the government concedes, "ownership of this book would not necessarily be  
8 indicative of actual intent to disappear" (*id.* at 9), they again ask this Court to use their interpretation  
9 as fact and add it to the scale to tip the evidence in favor of detention for both defendants. The  
10 government also found a criminal law handbook in "GERHKE and KING's luggage." *Id.* at 10.  
11 They again ask the Court to attribute the possession of that book to both defendants without  
12 specifying whose luggage it was found in or any other circumstances surrounding its discovery. They  
13 claim it was found in one of the carry-on bags, without even attempting to distinguish between which  
14 co-defendant had which bag. What else was in the bag where it was found? Did the bag have a  
15 nametag? No one knows but the government gives their interpretation that it is "not the type of book  
16 ordinarily brought on a 36-day European vacation, nor a book that a non-lawyer without legal  
17 exposure would ordinarily have." *Id.* at 10. Assuming *arguendo* that the government is correct that  
18 most people would not have or bring such a book on vacation, it has no bearing on whether Mr. King  
19 is a serious flight risk. You can read whatever you like in America. That information should be  
20 wholly discounted in weighing the factors.

21         Further, in its Motion, the government acknowledged that the European vacation was in fact a  
22 vacation and would not be permanent, conceding it would end after 36 days. *Id.* This is a fact, and it  
23 is further illustrated by the return flight reservation the couple booked. (*See* Attachment A.)  
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1 In short, the government spends a 17-page Motion sensationalizing the yet to be proven  
2 allegations, to argue that Mr. King is a serious flight risk with little regard for the important factors to  
3 be considered by a court in determining if a defendant should be detained pending a trial.

4 **A. Mr. King's history and characteristics indicate he is not a flight risk nor a danger to**  
5 **the community.**

6 Mr. King's history and characteristics show him to be an educated, hard-working, active, and  
7 contributing member of society who has significant family, professional and social ties to the Arizona  
8 community. As stated in the Pretrial Services Report and previously in this Response, Mr. King's  
9 entire life is here in Arizona, making his likelihood to flee register at zero. His family and friends are  
10 a constant pillar of support for him and will be with him every step of this process. Although there is  
11 no doubt that the allegations are serious, Mr. King understands that those allegations not only affect  
12 him directly, but also have significant impacts on his loved ones, business associates and friends.  
13 Were he to run, he would devastate those he loves most and there is nothing in his history that  
14 indicates such conduct is possible or probable. Mr. King has absolutely no criminal history and no  
15 history of substance abuse. There is nothing in his past that would indicate that he could not or would  
16 not follow this Court's rules and conditions should he be released.

17  
18  
19 Additionally, Mr. King does not have the means to flee. His passport was seized upon his  
20 arrest. And contrary to the government's implications, all of Mr. King's assets—both liquid and non-  
21 liquid—have either been seized or frozen by the government. Without a passport or financial  
22 resources, Mr. King is literally incapable of fleeing.

23  
24 Finally, Mr. King's physical health presents another reason for his release. As the pre-  
25 sentence report indicates, Mr. King suffers from post-sepsis syndrome resulting from a cat bite almost  
26 three years ago. Although it sounds simple, his original ailment was originally misdiagnosed. This  
27

1 error led to a life-threatening emergency, that was fortunately addressed by the Veteran's  
2 Administration Hospital here in Phoenix. The long-term ongoing effects of the sepsis cause mental  
3 acuity deficiencies which is treated with Adderall. Since his incarceration, Mr. King has been  
4 without his medication which has caused his health to deteriorate. Should he remain in custody, Mr.  
5 King's ability to work with counsel to effectively prepare and defend against the allegations would be  
6 materially compromised.

8 Mr. King is confident that when this Court's analysis is focused on the essential factors listed  
9 in 18 U.S.C. § 3142(g) it becomes clear that he is not a "serious flight risk" and his release is  
10 appropriate and warranted under the law. Nothing in Mr. King's history indicates he would fail to  
11 appear as instructed. However, should this Court have even the slightest of concerns, there are a  
12 myriad of tools at the Court's disposal to mitigate those concerns. To name a couple tools: Mr.  
13 King's adult daughter or another family member could be evaluated as an appropriate third-party  
14 custodian. Mr. King could also be outfitted with a GPS monitoring system that would always alert  
15 Pretrial Services to his whereabouts.

17 Finally, Mr. King poses no danger to any community. There is nothing in his history or  
18 personal characteristics that indicates he poses any threat of danger to the community. In fact, even  
19 the government does not appear to be seeking detention on the theory of danger to the community.  
20 As such, a finding of detention based on danger is unwarranted.

22 **V. CONCLUSION:**

23 For the reasons stated herein, defendant, Mr. Jeffrey King, respectfully requests that he be  
24 released from detention pursuant to the terms of the Bail Reform Act codified in 18 U.S.C. § 3142,  
25 pending conclusion of this case.

26 ///



RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of July 2024.

**KURT M. ALTMAN, P.L.C.**

/s/ Kurt M. Altman

Kurt M. Altman

Ashley Fitzwilliams

*Attorneys for Defendant*

I hereby certify that on the 1<sup>st</sup> day of July 2024,  
I electronically transmitted the attached  
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By: /s/ Kurt M. Altman

## **ATTACHMENT A**

Your trip confirmation and receipt

Confirmation code: **AQQSDS**

**Saturday, 20 July 2024**

	<b>ATH</b> Athens <b>1:15 PM</b>	<b>AA 759</b> 
	<b>PHL</b> Philadelphia <b>5:00 PM</b>	Seat: Class: <b>Business (J)</b> Meals: <b>Lunch , Snack</b>
		
	<b>PHL</b> Philadelphia <b>6:52 PM</b>	<b>AA 1984</b> 

PHX  
Phoenix  
8:59 PM

Seat:  
Class: **Business (J)**  
Meals: **Dinner**

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## Your purchase

**Alexandra Gehrke**

[Join the AAdvantage® Program](#)

New ticket (0012150776229) €5,711.32  
[€5,286.00 + Taxes & carrier-imposed fees €425.32]

**Jeffrey King**

New ticket (0012150776230) €5,711.32  
[€5,286.00 + Taxes & carrier-imposed fees €425.32]

**Total cost** (all passengers) **€11,422.64**

## Your payment

AmericanExpress (ending 1005) €11,422.64

Total paid €11,422.64

## Bag information

**Checked Bag (Airport)**

1<sup>st</sup> bag No charge  
2<sup>nd</sup> bag No charge

Maximum dimensions: 62 inches or 158 centimeters calculated as (length + width + height)  
Maximum weight: 70 pounds or 32 kilograms

For information regarding American Airlines checked baggage policies, please visit: [Bag and optional fees](#)

Bag fees apply at each Check-in location. Additional allowances and/or discounts may apply. [Bag and optional fees](#)

If your flight is operated by a partner airline, see the [other airline's](#) website for carry-on and checked bag policies.

#### Carry-on bags (American Airlines)

<b>1<sup>st</sup> carry-on</b>	Includes purse, briefcase, laptop bag, or similar item that must fit under the seat in front of you.
<b>2<sup>nd</sup> carry-on</b>	Maximum dimensions not to exceed: 22" long x 14" wide x 9" tall (56 x 35 x 23 cm).



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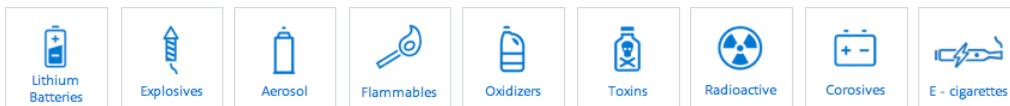
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Some Lithium batteries (e.g. spares in checked baggage, batteries over a certain size), Explosives / Fireworks, Strike anywhere matches/ Lighter fluid, Compressed gases / Aerosols Oxygen bottles/ Liquid oxygen, Flammable liquids, Pesticides/ Poison, Corrosive material.

There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage, spare lithium batteries for most consumer electronic devices in carry-on baggage, and certain smoking materials carried on your person.

Certain items are required to be carried with you onboard the aircraft. For example, spare lithium batteries for portable electronic devices, cigarette lighters and e-cigarettes must be removed from checked or gate-checked baggage and carried onboard the aircraft. However, e-cigarettes may not be used on-board the aircraft.

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